

THE AMERICAN LEGION  
NATIONAL AMERICANISM COMMISSION

1608 K STREET, N. W.  
WASHINGTON 6, D. C.

OFFICE OF THE  
NATIONAL DIRECTOR

May 17, 1956

JK 8-1

B. J. Gandy Jr.

Inspector C. D. DeLoach  
Federal Bureau of Investigation  
Department of Justice  
Ninth Street and Pennsylvania Avenue, N. W.  
Washington 25, D. C.

Dear Deke:

In view of an editorial entitled "Tainted Witnesses" which appeared in the Sunday edition of the Washington Post and Times Herald, for the first time in my life I answered an editorial.

Inasmuch as I didn't want to get an okay from National Headquarters, I answered it on my personal stationery as an individual.

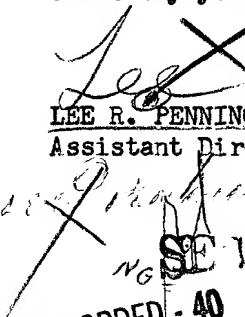
I seriously doubt that the Washington Post will print it, but I am enclosing a copy for your information.

Sincerely yours,

  
LEE R. PENNINGTON,  
Assistant Director

N 62-104435-1

LRP:hrh  
Enclosure

  
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No add. necessary  
handled Verbal  
with Pennington  
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ENCLOSURE  
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# COPY

THE AMERICAN LEGION  
WASHINGTON HEADQUARTERS  
WASHINGTON, D. C.

May 14, 1956

Dear Sir:

I definitely feel that whoever wrote the editorial of Sunday, May 6, 1956 entitled "Tainted Witnesses" went far astray in the editorial conclusion to the effect that the Supreme Court in returning the Communist Party Case to the Subversive Activities Control Board in effect "rebuked" that agency, and I suggest that a re-study of the decision and its setting will convince the unprejudiced that the Court was actually writing a new principle of law.

I suggest also that yours, among other thoughtful voices, should be concerned whether this new principle that exacts "fastidiousness" of the lower courts in weighing the credibility of witnesses in Communist Party cases may enable Communists to make the dispensation of justice a sport.

The Attorney General, in presenting his case against the Communist Party, offered among other witnesses, three ex-Communists whose credibility the Party challenged; but by statute, an SACB finding adverse to an organization must be based upon a preponderance of the evidence. Examining the challenged testimony, the SACB adopted some parts and rejected others, the Party making no effort to rebut any of it, whence, the SACB having found the Party to be a Soviet agency, the respondent took the case to the Appellate Court.

One of the three witnesses, Matusow, in the interval, confessed himself a perjuror in other cases (though not in this one) on which basis the Party asked the court to return the case to the SACB for reconsideration of all the challenged testimony, but preponderance - not "taint", being the test on the SACB findings, and the challenged evidence being found consistent with and supported by masses of other evidence, the SACB argued that the re-examination was unnecessary, which position the Appellate Court sustained.

In reversing the lower court, the Supreme Court majority, be it noted, imputed no error to anyone. By terms of Justice Frankfurter's opinion, the SACB may either review the challenged testimony and, if taint be found, eradicate it, or, if its finding still appears firm without that testimony, it may expunge it altogether, with the finding undisturbed by either course.

Far from implying any rebuke to the SACB, the decision goes out of its way to disclaim any reflection on the agency, as in remarking that "the basis for challenging the testimony was not in existence when the proceedings were concluded before the Board".

The Court was, then, not imputing error but rather, as the decision said, "exercising a supervisory function", and in so doing, wrote a new legal principle as is plain from Justice Clark's dissent in which the majority decision is characterized as "a procedural maneuver" and a "pretext" for delaying action, unsupported, as he says, by any previous decision of the Court.

62-104435-1

ENCLOSURE

# COPY

THE AMERICAN LEGION  
WASHINGTON HEADQUARTERS  
WASHINGTON D. C.

- 2 -

As for the principle itself, its expression is quaint: "Fastidious regard for the honor of the administration of justice", says the majority, "requires the court (s) to make certain that the doing of justice be so manifest that only irrational or perverse claims of its disregard can be asserted."

But the principle also expresses the danger. Matusow, the Communist turned ex-Communist - turned pro-Communist, was surely a perverse witness. His whole career may or may not have been a skillful Communist strategem but a principle which requires the courts to be fastidious about such testimony as his certainly invites the calculated introduction of taint.

Sincerely yours,

LEE R. PENNINGTON

Editor  
THE WASHINGTON POST  
Washington, D. C.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : [REDACTED]

FROM : G. R. A. H. BELFORT  
APR 25

SUBJECT: [REDACTED]  
FORMER SECURITY INFORMANT

DATE: February 18, 1958

- 1 - Mr. Nease  
1 - Mr. Boardman  
1 - Mr. Belmont  
1 - [REDACTED]

b6  
b7C  
b7D  
[REDACTED] 2/18/58  
and [REDACTED] 2/18/58  
Tolson \_\_\_\_\_  
Nease \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
[REDACTED] \_\_\_\_\_  
Rosin \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to memorandum from Mr. Nease to [REDACTED] Mr. Tolson dated 2-14-58 concerning possible testimony of former Special Agent [REDACTED] on behalf of former security informant [REDACTED] Lee Pennington and [REDACTED]

[REDACTED] formerly connected with American Legion (AL), based upon Pennington's having dismissed [REDACTED] as an [REDACTED] Director noted: "I certainly think it is improper for [REDACTED] to testify. What was his record?"

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[REDACTED] entered on duty 3-16-42 as a Special Agent and served in Grand Rapids, Philadelphia and New York Offices. Voluntarily resigned 12-14-45 [REDACTED] Services were satisfactory and his record is clear while employed with Bureau.

In 1947 New York Office advised that several former Agents who were publishing an anticommunist paper "Counterattack," were luring Bureau informants away from Bureau and using them for their own purposes. [REDACTED] was one such informant who served Bureau from [REDACTED] when he was discontinued because he concealed from Bureau fact he had been [REDACTED] since 1946. [REDACTED] had been introduced to the [REDACTED]

[REDACTED] In this connection, [REDACTED] originally developed [REDACTED] as an informant and handled [REDACTED] until September, 1944, when [REDACTED] was transferred from communist matters to criminal matters. [REDACTED] admitted to New York Office in 1947 that after he resigned from Bureau, he had continued to have occasional social contact with [REDACTED] said that in 1946, [REDACTED] told him Bureau was not contacting [REDACTED] regularly and [REDACTED] asked.

[REDACTED] to help him find other employment. [REDACTED] said that although he was in no way connected with the [REDACTED] [REDACTED] he sympathized with their objectives and introduced [REDACTED] to them. He claimed he was under impression [REDACTED] was no longer a Bureau informant at the time. He admitted using poor judgment in not clearing with Bureau before introducing [REDACTED] to [REDACTED]

[REDACTED] and indicated his regrets over incident.

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100-355652

1 - [REDACTED]

NOT RECORDED

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FEB 22 1958

Memorandum to Mr. Boardman

RE: [REDACTED]  
100-355652

[REDACTED] Society of Former Special Agents of the FBI, Inc., in 1950, in which connection he professed desire to cooperate with Bureau on several occasions and undertook to have his Society defend Bureau against unwarranted attacks. [REDACTED] talked with Director Hoover on 4-6-50 seeking closer ties with Bureau for his Society. The Director noted that [REDACTED] attitude was very excellent and that [REDACTED] had an apparently sincere desire to administer his Society in a manner satisfactory to Bureau. Since his resignation, [REDACTED] has on several occasions addressed commendatory communications to the Director.

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Regarding possible testimony by [REDACTED] on behalf of [REDACTED] Internal Security Division of Department had advised that Departmental Order 3464 is applicable to [REDACTED]. This Order provides that all official records of the Department and information obtained by FBI are confidential and may be disclosed only in performance of official duties. This Order extends to former Bureau employees. Department advised that [REDACTED] should invoke this Order to prevent disclosure of substance of information [REDACTED] obtained from [REDACTED] in his official capacity and to prevent disclosure of confidential Bureau procedures. Department also advised that it would seem unnecessary for [REDACTED] to invoke the Order unless the disclosure of the specific information sought would, in the Director's judgment, adversely affect Bureau's operations. Department held that the Order should not be invoked to prevent disclosure of [REDACTED] social relationship with [REDACTED] subsequent to [REDACTED] resignation from Bureau.

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Department's views were relayed to [REDACTED] on 12-6-57 and were reiterated 12-11-57. [REDACTED] said that although he feels [REDACTED] had gotten a "raw deal" from the AL and that he would like to testify as a character witness for [REDACTED], he would not testify in any manner, contrary to the Department's views or the Bureau's wishes.

From the information in referenced memorandum, it appears that [REDACTED] will give an affidavit to the attorneys for Pennington and [REDACTED] on 2-18-58, regarding [REDACTED]. If [REDACTED] keeps his word, and there is no reason to believe that he will not, this affidavit will not disclose the substance of any information [REDACTED] obtained from [REDACTED] in his official capacity but should be largely confined to social contacts with [REDACTED] subsequent to [REDACTED] resignation from the Bureau.

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ACTION:

9 strongly doubts this.

For the Director's information.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: February 14, 1958

FROM : G. A. NEASE

SUBJECT: [REDACTED]

FORMER CONFIDENTIAL SECURITY INFORMANT  
CURRENT SUIT AGAINST AMERICAN LEGION

*[Handwritten signatures over list]*

Tolson	✓
Boardman	✓
Belmont	✓
Mohr	✓
Nease	✓
Parsons	✓
Rosen	✓
Tamm	✓
Trotter	✓
Clayton	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

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Americanism Commission, The American Legion, [REDACTED] National [REDACTED] is based on Pennington's issuance of a letter which contained the statement that [REDACTED] was an ex-communist. Former Special Agent [REDACTED] who was in the Bureau for three years from 1942 to 1945 and who handled [REDACTED] has indicated he wishes to testify [REDACTED] attorneys, based upon previous statements they have made while at the Bureau, plan to show that [REDACTED] entered the Communist Party in order to assist the FBI and the U. S. Government and that he was never a sincere, avowed communist.

Lee Pennington desires to use Departmental Order #3464, Supplement Four (revised), which specifically states, "All official files, documents, records, and reports in the Department of Justice shall be regarded as of a confidential nature and the content thereof shall be disclosed only in the performance of official duties." This order goes on to state that information from the FBI is also included among such provisions and "This order shall extend to all former officer or employee of the Department of Justice." [REDACTED]

The American Legion, has requested Pennington to obtain the FBI's permission relative to the usage of Departmental Order 3464. Pennington has contacted us but has been advised he should logically approach the Department relative to this matter. At his request, [REDACTED] was telephonically advised on 2-14-58 that Pennington desired to see him about this specific matter. [REDACTED] was briefed concerning the [REDACTED] case and indicated that he would get an opinion from the Department relative to whether Pennington could use the Departmental Order or not.

ORIGINAL COPY FILED 2/14/58

From information received from Pennington, former Special Agent [REDACTED] will be in Washington, D. C., on Feb. 14, 1958, to appear before the defense attorneys regarding the [REDACTED] matter. Pennington will keep us advised.

ACTION: *34* It is suggested this memorandum be forwarded to the Domestic Intelligence Division for information.

INT. SEC.

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UNITED STATES GOVERNMENT

# Memorandum

X TO : Mr. DeLoach

DATE: April 5, 1966 *W/*

FROM : A. Rosen

SUBJECT: MISCELLANEOUS INFORMATION FURNISHED BY  
FORMER SPECIAL AGENT LEE PENNINGTON

1 - Mr. DeLoach

1 - Mr. Rosen

1 - [redacted]

1 - Mr. Walters

1 - Name Check

1 - [redacted]

1 - Mr. Sullivan

1 - Mr. Wick

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Reference is made to my memorandum captioned as above dated 4/1/66, setting forth information furnished by Lee-Pennington, former Special Agent. Referenced memorandum indicated Pennington advised he was checking on [redacted]

[redacted] as he believed she was supposed to be the sister of [redacted] My memorandum advised we were checking files concerning [redacted]

[redacted] was born [redacted] at New York, the [redacted] Jacob Golden and Sadie Fernsod Golden, both born in Russia. She is married [redacted] born [redacted] Max Davidson and Selina Segal Davidson.

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From September 13, 1956, until September 15, 1965 [redacted] was employed by the [redacted] Prior to April, 1965, she was [redacted] and was registered with the Foreign Agents Registration Section, Department of Justice. She was dismissed from her employment at the [redacted] September 15, 1965, reportedly because there was not enough work to justify her employment. One source advised it was his opinion she was released primarily because of her inability to get along with her co-workers.

[redacted] was investigated under a loyalty of Government employees caption when he was employed by the Department of the Navy. He was declared ineligible and dismissed on loyalty for his membership in a Communist Party Navy Department cell in 1943.

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(9)  
51 APR 26 1966  
JW  
6 APR 1966  
(Continued - Over)

Memo to Mr. DeLoach

Re: Miscellaneous Information Furnished by  
Former Special Agent Lee Pennington

[Redacted]  
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[Redacted] has been the subject of investigation since 1957, and her name is presently included in the security index.

During the investigation of [Redacted] it was ascertained he had at least [Redacted] but this file gives no indication of any relationship to [Redacted] [Redacted] who was born [Redacted]

Bureau files do not reveal any relationship between [Redacted] and either [Redacted] [Redacted] and investigation would be necessary to develop additional background on [Redacted] to establish whether there is any relationship between him and [Redacted] Such investigation will not be conducted [Redacted] as it appears obvious that [Redacted] is not a sister of [Redacted]

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ACTION:

For information.

R JEM V fm / P JG  
[Signature]

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. DeLoach *D* CIA WAS NO OBJECTION DATE: 4/1/66

FROM : A. Rosen DECLASSIFICATION AND/OR  
RELEASE OF CIA INFORMATION

IN THIS DOCUMENT. Jm 9-15-97

- 1 - Mr. DeLoach  
1 - Mr. Rosen  
1 - Mr. Sullivan  
1 - Mr. Wick

Tolson  
DeLoach  
Mohr  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Avel  
Rotter  
Tele. Room b6  
Olmes b7C  
Andy

SUBJECT: MISCELLANEOUS INFORMATION FURNISHED BY  
FORMER SPECIAL AGENT LEE PENNINGTON

Lee Pennington, former Special Agent, called to advise me [redacted] who apparently worked at one time for [redacted] Senator Strom Thurmond (Republican - South Carolina), is now allegedly doing some work for [redacted]

[redacted] Pennington said that [redacted] is suing Drew Pearson for libel; that he had filed a lawsuit some time ago. He did not know exactly when.

Pennington wanted to bring some information to my attention which is not in the pleadings. He said that when this case comes up for trial [redacted] intends to state that Pearson has indicated to three witnesses that he claims he got derogatory information on [redacted] in a report of the FBI pertaining to [redacted]. Pennington indicated he believes that such a comment was in one of Drew Pearson's columns. He said he was furnishing the above because of his interest in seeing that something was done to get Pearson. I told him that insofar as we were concerned we were not interested in Pearson.

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He also advised me that [redacted] had an office on [redacted] right next to [redacted] and that [redacted] is a [redacted] He also said that [redacted] was the one who copied the material which was taken from Senator Dodd's office for [redacted] He said [redacted]

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Pennington also said that he was checking on a [redacted] the Soviet Press Secretary at 1706 - 18th Street. He said his reason for checking on her is that he believed that she was supposed to be a sister of [redacted]

55 APR 2 1966

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CONTINUED - OVER  
↓

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-3-97 BY SP8 MAC/MSL

4/5/66  
Initials: [redacted]  
APR 14 1966  
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Memorandum to Mr. DeLoach  
Re: MISCELLANEOUS INFORMATION FURNISHED BY  
FORMER SPECIAL AGENT LEE PENNINGTON

[redacted] but they have not established this as yet.

ACTION

The above information should be made a matter of record.  
Our files should be checked to see if we have any information  
concerning [redacted].

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b7C

*Being done*  
*1*  
*R*  
*V*

*memo DeLoach*  
*return 4-5-66*  
*BHS:ex*



# AMERICAN SECURITY COUNCIL

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WASHINGTON BUREAU: 1101 17th Street, N.W., Washington, D.C. 20036

3808 Taylor Street  
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October 2, 1966

b6  
b7c  
100-354782-109

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Mr. Joseph Sizoo  
Federal Bureau Of Investigation  
9th & Penna. Ave., N.W.  
Washington, D.C.

Dear Joe:

Apparently the National Guardian is loaning its mailing plates to anyone who is dispensing communist propaganda. The enclosed photostat of an envelope from Marzani & Munsell's Prometheus Paperbacks definitely reflects that fact.

This is the second outfit from whom I have received information in the past couple of weeks using National Guardian's mailing plates.

Sincerely,

LEE PENNINGTON

Lee R. Pennington

REC-15 62-104435-4

3 OCT 6 1966

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HEREIN IS UNCLASSIFIED  
DATE 9-29-82 BY SP5 RJG/PMC  
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8 NATIONAL GUARDIAN

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TORONTO 1501 TEL 3-2485  
1-800-222-1234

September 10, 1966

FACT: A LOOK AT GINZBURG'S MAGAZINE

# The birds & the Toynbees

As this piece on Fact Magazine is published, editor Ralph Ginzburg awaits appeal of his 1963 conviction on 28 counts of sending obscene literature through the mails. The publications cited, together with their promotional literature, were the magazine Eros, The Housewife's Handbook on Selective Promiscuity, and Liaison. The conviction, carrying a five-year prison sentence and a \$28,000 fine, was taken twice to the Supreme Court, which denied the appeals from the conviction which found Ginzburg "guilty of pandering." Ordered to begin his term July 12, 1966, Ginzburg won a stay of sentence from the U.S. Court of Appeals for the Third Circuit, which set Sept. 12 for a hearing on a new appeal before it.

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